

Atty. Dkt. No. 074022-2305

Remarks

The Examiner rejects claims 1, 3-4, and 8 under 35 U.S.C. 102(e) as allegedly being anticipated by Humphries (U.S. Patent No. 4,849,330), and rejects claims 1-3, and 7-8 under 102(e) as allegedly being anticipated by Diamond (U.S. Patent 4,766,062). The Examiner also rejects claims 2 and 7 under 35 U.S.C. 103(a) as allegedly being unpatentable over Humphries in view of Diamond.

While the Applicant does not agree that these rejections are legally sound, the present claims are being amended without prejudice to further prosecution, and solely in order to secure quick allowance of clearly allowable subject matter.

Support for these amendments is found at page 20, lines 10-11 and page 6, lines 19-27. Reconsideration and withdrawal of the rejections is respectfully requested in view of these amendments. Neither reference teaches the use of a reflection-based assay where the support exhibits a first set of reflective and transmissive properties in response to light impinging thereon, and exhibits a second set of reflective and transmissive properties different from the first set in response to light when the target nucleic acid is bound to the substrate and thereby creates a change in mass on the substrate.

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Conclusion

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

After amending the claims as set forth above, claims 1-8 are pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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